

Application No. 10/762,240
Amendment dated 07/21/2006
First Preliminary Amendment

Docket No.: 215407-106338

REMARKS

Claims 1-25 were pending with claims 1-9, 12, 13, 15 and 18-25 rejected and claims 10, 11, 14, 16 and 17 objected to by the Office Action. By this paper, Applicant has cancelled claims 1-25 and has added new claims 26-44. No new matter has been added. Accordingly, Claims 26-44 are now under prosecution in this application.

I. Formal Matters

A. Please change the attorney docket number in the record from 8404.004 to 215407-106338 so as to correctly reflect the docket number in relation to new prosecuting attorneys/agents associated with Deposit Account No. 50-3145.

B. Applicant kindly thanks Examiner Pham for indicating in the 7/21/06 Final Office Action that allowable subject matter is contained in claims 10, 11, 14, 16 and 17. Although the subject matter of the allowable claims has been cancelled in this paper, the subject matter of claim 10 (i.e. "*wherein the flexible portion includes a pair of flexible flange portions that extend obliquely in divergent directions from the flange portion*") now appears in claims 31 and 39.

II. Double Patenting Rejection

A. Claims 1, 3, 5, 6, 8-10 and 12-18 of the present application were rejected as being in conflict with claims 1, 4, 5, 7-9 and 11-16 of Application Serial No. 10/404,109 ("the parent application"). By this paper, claims 1-25 have been cancelled; additionally a paper relating to the parent application was filed in conjunction with the present paper that also cancels the claims of in the parent application. Therefore, the double patenting rejection is rendered moot.

Because the present application is a continuation-in-part of the parent application, Applicant has re-cast the claims of both applications to clearly identify the claimed subject matter of the present invention and avoid a future double patenting rejection. Applicant respectfully points out that new independent claims 26 and 36 provided in the present paper have narrowing limitations that differentiates the claimed subject matter of the present application from the new claims re-cast in the parent application. Thus, withdrawal of the double-patenting rejection is respectfully requested.

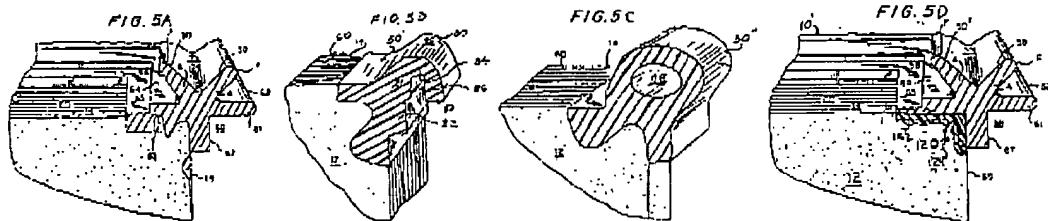
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III. Claim Rejections Under 35 U.S.C. §103

A. Claims 1-9, 12, 13, 15 and 18-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 5,720,790 to Komentani et al. ("Komentani") in view of U.S. 6,864,195 to Peng ("Peng"). For at least the following reasons, Applicant respectfully traverses the rejection.

By this paper, claims 1-9, 12, 13, 15 and 18-25 were cancelled, rendering the rejection moot. New independent claim 26 now recites, *inter alia*, "*a filter media including a first material, wherein the filter media includes a clean side face; and a seal including a second material bonded to a perimeter of the clean side face to form a flange portion integral with the filter element.*" See Figures 5A-5C and paragraphs [0025]-[0029] of U.S. 2004/0194441. New independent claims 36 and 37 recite a rigid frame bonded to a perimeter of the clean side face. See paragraphs [0035]-[0038] and Figure 5D of U.S. 2004/0194441.



In view of the newly-filed claims, Applicant respectfully submits that Komentani does not provide a teaching or suggestion of the invention, as recited above. As a matter of fact, Komentani teaches a filter element (100F, 100F') including a filter portion (10) and flange portion (120) of a first material and a seal member (30) of a second material bonded to the flange portion (120). See col. 7, lines 13-26, col. 8, lines 22-28, and Figures 17 and 23 of Komentani.

FIG. 17

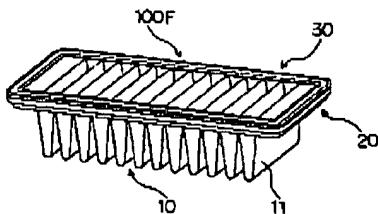
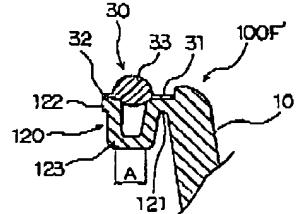


FIG. 23



Even further, referring to Figure 18-20 and 23-29, Komentani never once teaches or suggests a seal member of a second material bonded to a clean side surface of the filter portion; Komentani's seal portion appears to be bonded to, and terminates, on the flange portion which is

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integral to the filter portion, both including the first material. Additionally, Komentani never once teaches or suggests providing a filter media of a first material, injecting a second material directly onto a perimeter of the clean side face of the filter media to first form a rigid frame and then injecting a third material directly onto the rigid frame to form a flange portion of a seal.

Peng does not support any absent teaching or suggestion in Komentani. Thus, there is no teaching, suggestion, or motivation to combine the teachings of Komentani with Peng to arrive at the claimed subject matter of the present invention.

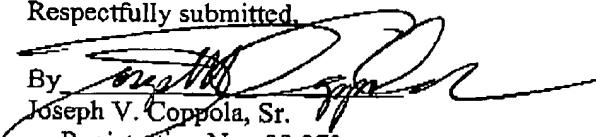
For at least these reasons, Applicant submits that a *prima facie* case obviousness under § 103(a) may not have been established. Claim 26-44 are in allowable form and are therefore patentable.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-3145, under Order No. 215407-106338 from which the undersigned is authorized to draw.

Dated: 8-18-2006

Respectfully submitted,

By 

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